

## Appendix 9

### Grievance Procedure Checklist

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The Corporation for National and Community Service issues requirements for grievance procedures in programs using CNCS funds. These requirements are outlined in the following CNCS Grievance Procedures checklist.

**AmeriCorps State and National**

**Grievance Procedure Checklist**

**Code of Federal Regulations Sec. 2540.230**

Requirement	Yes	No	NA	Comments
<b>General</b>				
Procedure is open to grievances from participants, labor organizations, and other interested individuals concerning the AmeriCorps program				
<b>A. Alternative Dispute Resolution (ADR)</b>				
<b>Grantees have the option of including ADR. If the procedure doesn't include ADR, indicate 'NA'</b>				
ADR is initiated within 45 calendar days of the alleged occurrence.				
At initial session of dispute resolution proceedings, party is advised in writing of right to file a grievance and right to arbitration.				
If matter is resolved, the terms of the resolution are recorded in a written agreement, and the party agrees to forego filing any further grievance on the matter under consideration.				
The process is aided by a neutral party and the neutral party may not compel a resolution.				
The proceedings are informal. The rules of evidence do not apply.				
With the exception of a written agreement, the proceedings are confidential.				
If matter not resolved within 30 calendar days from the date the informal dispute resolution process began, aggrieved party is informed in writing of right to file a formal grievance.				
<b>B. Grievance procedure for unresolved complaints</b>				
The neutral party is not involved in formal complaint process.				
Communications or proceedings of the informal dispute resolution process are not referred to or introduced into evidence at the grievance and arbitration hearing.				
<b>C. Time Limitations</b>				

Requirement	Yes	No	NA	Comments
Grievance is made no later than one year after the alleged occurrence (except for fraud and criminal activity).				
The hearing is conducted no later 30 calendar days after the filing.				
A decision is made no later than 60 calendar days after the filing.				
<b>D. Binding Arbitration</b>				
The filing party may submit the grievance to binding arbitration if the decision of the hearing is adverse to the grievant, or if no decision has been reached in 60 days.				
A qualified arbitrator is used who is jointly selected and independent of the interested parties.				
The Corporation's CEO appoints an arbitrator if the parties cannot agree on an arbitrator within 15 calendar days.				
Arbitration is held no later than 45 calendar days after the request for arbitration – or 30 days after an arbitrator is appointed by the Corporation's CEO.				
A decision is made by the arbitrator no later than 30 days after arbitration commences.				
The cost of arbitration is divided evenly between the parties to the arbitration. If the participant, labor organization, or other interested individual prevails during arbitration, then the grantee pays the total cost of the proceeding and the attorney's fees of the prevailing party.				
<b>E. Other Points</b>				
The policy does not include any reference to employment/job.				
If the grievance is regarding a proposed participant placement, the placement is not be made unless it is consistent with the resolution of the grievance.				

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